

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

KIMBERLY CERVANTES,

Plaintiff,

v.

STATE OF OREGON DEPARTMENT OF
CORRECTIONS and PAUL WILSON,

Defendants.

CV 05-1496-ST

ORDER

HAGGERTY, Chief Judge:

On December 5, 2005, Magistrate Judge Stewart issued a Findings and Recommendation in this action (Doc. #20), in which the Magistrate Judge recommended that defendant State of Oregon Department of Corrections' Motion to Dismiss in Part (Doc. #19) be granted and that the Second and Third Claims for Relief against said defendant be dismissed. No objections were filed.

The matter is now before the court pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). A district court "may accept, reject, or modify, in whole or in part, the findings or

recommendations" made by a magistrate judge. 28 U.S.C. § 636(b)(1). Within ten days of being served with a copy of the Findings and Recommendation, any party may file written objections and the court shall make a *de novo* determination of those portions of the Findings and Recommendation to which objections are made. *Id.* When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation of the Magistrate. *Thomas v. Arn*, 474 U.S. 140, 149-150 (1985); *Campbell v. United States District Court*, 501 F.2d 196 (9th Cir. 1974). No clear error appears on the face of the record, and the court adopts Magistrate Judge Stewart's Findings and Recommendation.

CONCLUSION

The Magistrate's Findings and Recommendation (Doc. #20) is adopted in its entirety. Defendant State of Oregon Department of Corrections' Motion to Dismiss in Part (Doc. #19) is GRANTED.

IT IS SO ORDERED.

Dated this 10 day of January, 2006.

/s/ Ancer L. Haggerty
ANCER L. HAGGERTY
United States District Judge